

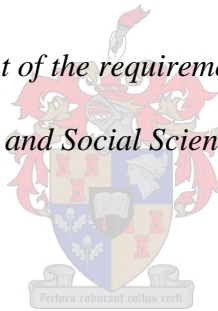
Exploring the Ethics of Outsourced Labour in Post-Apartheid South Africa

by

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Declaration

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April 2019

English Abstract

The ethics of outsourcing labour has been in the media spotlight recently, particularly concerning universities in South Africa. Ethical consistency is particularly important for educational institutions because schools and universities have the responsibility of modelling correct behaviour for their students. As both schools and universities are microcosms of broader South Africa, it is illuminating to review the events surrounding the University of Cape Town (UCT) and their students' mobilisation in 2015 under the banner #OutsourcingMustFall, which was aimed at ending the exploitative practice of outsourcing labour.

These events created the precedent for the current study, which examines the ethics of outsourced labour through descriptive testimonies of 42 outsourced workers at a school in Cape Town (henceforth referred to as The School), to determine if a conflict exists between the core values of The School and the practice of outsourced labour. The central question driving this research is: 'Even though outsourced labour is an accepted practice worldwide, does it best serve the interests of all people in South Africa, specifically within the context of South Africa's transformational goals and the values and ethics of The School?' The hypothesis is that there is a dilemma between The School's core values and the practice of outsourced labour.

The study is socially and politically significant as it addresses an emergent social problem in South Africa, namely the impact of outsourcing and the plight of precarious workers. The central findings are that the outsourced workers are marginalised and that their very existence at The School presents an ethical dilemma that contradicts the values the school stands for.

The findings suggest that the dynamics at The School, while caring and inclusive of its core stakeholders, exclude and marginalise the cleaners and security guards through the structures of having outsourced these workers to external labour providers.

Afrikaans Abstract

[To follow after the examination process]

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Chapter 1: Introduction

1.1. The Context of the Study

The ethics of outsourced labour in South Africa has been in the media spotlight for the last few years particularly concerning universities. Since March 2015, the “entry of university-based students in the political and social spheres” of South African life has “added momentum to mass protests and opposition against the ANC-led government and neoliberal politics”. (Ntsebeza 2016). In mid-October 2015, university students in South Africa mobilised to action with the goal of stopping the fees increase and increasing government funding for universities. The protests were undertaken to readdress the injustices of the past and to decolonise and transform education. This became known as the #FeesMustFall movement. The #FeesMustFall movement then identified with the outsourced workers in their protest and another slogan was formed: #OutsourcingMustFall. The success of this activism finally resulted in negotiations with university management to ‘insource’ workers at some universities. This example is worth examining with regards to the recommendations for the ethics of outsourced labour at institutions in South Africa, particularly educational institutions.

One of the reasons why educational institutions outsource cleaning and security services can be described, according to Beaumont (2006, p. 306) as: “sticking to the knitting”. By outsourcing non-core activities, educational institutions can explore their core activities, such as the administration of education, without distraction (Beaumont 2006). However, management at educational institutions are still obliged to uphold the ethical integrity defined in the institution’s vision statement and code of conduct for educators, learners and parents; and this should apply to the educational institution’s treatment of outsourced workers.

McDaniel (2004) argues that the two aspects that determine a desirable workplace are respect and fairness. A fundamental component of the ethics of an organisation is its measurement of justice (McDonald 1998). Therefore, the management of educational institutions have a specific responsibility within their institutions and towards the community to be ethical advocates and to support the ethos of the educational institution. Ethical consistency is especially important for educational institutions because values are woven throughout these institutions as opposed to being only enacted in certain places. Educational institutions are also especially important because schools and universities have the responsibility of modelling correct ethical behaviour for their students (McDonald 1998). Professor Jonathan Jansen, the former Vice-Chancellor of the University of the Free State, argues that it is a mistake to see education in terms of pure business. This is because ultimately the consequence of the assumption that economics drive core decisions are that universities will produce more students, who lack ethics and core values, as they are driven to maximise profit (Jansen 2009).

Although the above argument applies to all educational institutions, the scope of this study will primarily focus on a case study in one educational institution, hereafter referred to as 'The School'. 'The School' is a community school in South Africa that prides itself on promoting a positive community ethos and academic excellence within an inclusive framework. The vision of The School is to develop successful pupils, who conduct themselves with integrity. The School's vision statement subscribes to the essence of being human, by developing young children to care for their community and the broader society.

The central question in this research is: ‘Even though outsourced labour is an accepted practice worldwide, does it best serve the interests of all people in South Africa, specifically within the context of South Africa’s transformational goals and the values and ethics of The School?’.

1.2. The Study

This thesis explores the ethics of outsourced labour, examined through a case study that was conducted with workers from outsourced companies who work within ‘The School’. The current study explores outsourced labour as an employment practice and documents the experiences of cleaners and security guards employed by the outsourced companies at The School. Cleaning and security are the services most commonly outsourced in educational institutions, hence the focus on outsourced employees in the cleaning and security sectors. Furthermore, the current study questions how these practices correlate with the ethos and moral practices adhered to by The School in all spheres of its operation.

Through descriptive testimonies of 42 outsourced workers, the case study examines the possibility of an ethical dilemma, where the core values and ethos of The School clash with those of the outsourced companies. The hypothesis is that there is a dilemma between the school's core values and the practice of outsourced labour. The case study suggests that this conflict creates ethical tension within The School and argues that educational institutions cannot practice their ethics in a vacuum and need to be mindful of the impact of outsourcing services. The case study further explores whether The School is respectful of the outsourced workers' rights. The actions of not supporting outsourced workers present an ethical dilemma for educational institutions concerning fair business practice.

Over 10 years ago, prior to being outsourced, cleaning and security were managed directly by The School. Today these activities are outsourced, placing the management contract outside that of The School, and the control over the workers rests with the outsourced companies. The outsourced companies perform the role of a labour broker as they contract the staff, place them in the schools, and assume the responsibility of monitoring and managing their performance. The individual workers employed by outsourced companies have their labour organised through flexible, irregular loose arrangements that prevent them from securing regular, permanent employment, which would provide them with benefits of stability and access to medical aid and pension.

As a secondary aim, and to better contextualise the study, this thesis also includes an examination of outsourcing at the universities of South Africa, with an emphasis on the University of Cape Town (UCT). Through reviewing media coverage and literature relating to the protests that students and workers embarked on regarding outsourced labour in educational institutions, it becomes clear that the practice of outsourced labour is in opposition with the transformation goals of educational institutions in South Africa. Groenewald (2015) encapsulates the spirit of the student protests that swept South Africa and argues that is characterised by “a modern, fearless younger generation, with the unmatched power of connectedness of technology” (p. 14).

1.2.1. The Setting

The study was conducted in The School in Cape Town where I, the researcher, work. Working in the School alongside the outsourced workers helped me to become aware of their poor conditions of service, their low wages, and particularly how unsure they were of the stability of their jobs. Daily incidental conversations over 18 years led to a personal

realisation that there was a need to capture the workers' experiences and document them. The School Board, management, parents and other stakeholders seemed largely unaware of the employment conditions of the outsourced workers.

To document the experiences of outsourced workers at The School, a questionnaire was designed and a neutral interviewer was trained to interview respondents using this structured questionnaire and to gather data. A sample of 42 workers was interviewed and their responses were captured, recorded and analysed. The interviewer met in a quiet space on the school campus with respondents. Identical questions were asked of each participant and the answers recorded. The formal questionnaire of nine questions was used to determine respondents' understanding of their work conditions. The questions focused on their conditions of employment, their morale at work, their experiences of working for the outsourcing company and their plans for the future.

The interviewer completed 42 interviews with the respondents over three weeks in October 2015. Permission was given in writing from the management of the outsourced companies, as well as the management of The School. The workers remained anonymous and all identifying information was removed from the transcripts to ensure anonymity and confidentiality. Participation was emphasised as voluntary, however, all 42 workers were cooperative and expressed an interest in the survey. The questions were carefully thought out to get the maximum input from the workers about their understanding of their work conditions, their relationship with The School, and their aspirations and hopes for their futures. The aim of the case study was to establish a reliable narrative of these workers' experiences and to clarify whether there was an ethical dilemma by using outsourced labour in The School.

1.2.2. The Interviews

The survey for the interviews included 9 questions, namely: (1) Are you employed by your Company to work at the school? (2) How can you describe your conditions of employment? (3) Do you feel valued and satisfied working for your company? (4) Do you feel valued and satisfied working on your site at the school? (5) **Is there a difference between your experience working for the outsourced company and your experience working at the school?** (6) Describe a practical example of an incident that made you feel valued and gave you job satisfaction. (7) Describe a practical example of an incident that made you feel undervalued and unhappy at work. (8) Are there changes you would like to see to make you feel more valued and recognised and to feel job satisfaction? And, (9) What are your future career/ job dreams? The questionnaire appendix B can be found on p.74.

1.2.3. Data Analysis

A quantitative descriptive statistical analysis was performed on the data and revealed results reflecting factors such as gender, race and nature of work (security guard or cleaner). A qualitative thematic analysis, following Braun and Clarke (2006 2014), was also used to analyse the data. The interview transcripts were collated to **assess** whether there was a general trend amongst all workers and to discover isolated issues. It was important for the workers themselves be able to express their satisfaction, or lack thereof, as the purpose was to establish whether the ethics of outsourced labour was indeed an ethical consideration or not.

1.3. Background to the Study

1.3.1. Defining Outsourced Labour

Vita and Wang (2006) suggest that at its broadest, outsourcing can be defined as a contractual agreement that entails the procurement of services from an external provider. For the

purposes of clarity in this thesis, the external providers will be referred to as The Outsourced Companies. An outsourced company is created to broker labour and provides this service to other organisations. In South Africa, outsourced labour “is defined in Section 198 of the Labour Relations Act as a person who, for reward, provides another person to a client to work for that client for remuneration” (The Labour Relations Act (LRA), Act 66 of 1995). However, this process can, at times, be exploitative and used as a form of cheap labour.

Outsourcing labour is a global phenomenon and according to the *International Labour Organisation 2015 Report*, more than 60% of workers worldwide are in temporary, part-time or short-term jobs. In South Africa, only 61% of employees in the formal sector have permanent contracts, whilst 39% are of either “limited duration” or “unspecified” (International Labour Organisation (ILO) 2015). The report further highlights how poverty also disproportionately affects temporary or precarious workers. Outsourced workers are described as “precarious workers” as their work is uncertain with no benefits, pensions, provident funds, sick pay, or holiday pay. For the workers involved, it may have been their last resort in finding employment and therefore they may not have the power to bargain for better working conditions.

The Amended Labour Relations Act outlines and defines a labour broker as a temporary employment service. The outsourced company is defined as providing a worker to that client for remuneration. It is stipulated that the outsourced company or temporary employment service is regarded as the employer of the worker (Department of Labour 2002). Urbach (2011) defends the need for outsourced labour as he argues that our labour legislation makes it a challenge for employers to manage the administration of staffing problems. Urbach

(2011), quoting Sharp, states that “labour broking (is) responsible for about one million South Africans in work on a given day” (p.7).

The advantages for The School and the Universities, who utilise outsourced labour, including reaping the benefits of cheaper labour and not being responsible for additional employment benefits, such as medical insurance, pension and sick leave. The practice of using outsourced labour would not be considered unethical if the external companies who hire outsourced workers assume adequate responsibility for the welfare of their employees. However, many do not. The School and the Universities remunerate the outsourced companies without considering whether the workers are ethically treated.

1.3.2. The Relationship between Universities and Outsourcing in Post-Apartheid South Africa

Despite the end of apartheid in 1994, the post-apartheid unskilled labour market still operates in an exploitative manner. The bulk of jobs created over the last few decades are considered precarious, insecure, and are characterised by longer work hours for lower pay in unsafe working conditions (Deedat & Van der Westhuizen 2006). This stands in contrast to South Africa’s democracy and its aspirations for equality and freedom. The practice of outsourced labour is a dilemma that faces South Africa because it conflicts with the values laid down in the South African Constitution adopted in May 1996, as well as ex-president Thabo Mbeki’s, concept of an ‘African Renaissance’. With regard to this Renaissance, Mbeki (1998)¹ states:

An essential and necessary element of the African Renaissance is that we all must take it as our task to encourage she, who carries this leaden weight, to rebel, to assert the principality of her humanity -- the fact that she, in the first instance, is not a beast of burden, but a human and African being.”

¹ <http://archive.unu.edu/unupress/mbeki.html>

In South Africa, the trend of outsourced labour is compounded by an unequal society, despite decades of democratic governance. Overall job creation and opportunities for decent employment for unskilled workers remain unresolved problems in South Africa (Seekings 2007). Ntsebeza (2016, p. 918) argues that “South Africa finds itself at a crossroads, in many ways similar to the crisis it faced in the late 1980s and the early 1990s, when the democracy we are now enjoying was negotiated” (Ntsebeza 2016). He adds that, in addition, the leaders of the national liberation movement - the African National Congress (ANC) - are more interested in protecting private capital than improving the living conditions of the poor in South Africa.

In the late 1990s, a managerial decision at UCT was made, in which workers in so-called "non-core" zones of work would be outsourced to an external company. According to Ntsebeza (2016), this conflicted with the post-apartheid feature of transforming higher education. Ntsebeza (2016) argues that the action of dividing core and non-core work is not a neutral strategy aimed at merely cutting costs and improving efficiency, but should rather be interpreted as drawing a line regarding who is valuable with access to better work conditions, wages and benefits. Bardill (2008) concurs, arguing in her thesis that outsourced workers at UCT constantly encounter their marginality through outsourced work. As non-core workers, they are excluded from access to “citizenship” bestowed on the core workers. This point is further illustrated by Graham (2016) who found that outsourced workers feel a continued sense of dispossession and a loss of freedom in post-apartheid South Africa.

Against this backdrop, 1500 students and workers at UCT went on strike in 2015 and issued demands that the university management improves the working conditions of the outsourced

workers. It was argued that profits are always placed before the needs of workers and that this was unacceptable to the students' sense of ethical rightness. The students' civil action was aimed at deepening the awareness of South African citizens and mobilising the ANC government to create change. The student-worker alliance was the climax of the student-led campaign, aimed at redressing the injustices of apartheid and transforming and decolonising education. This campaign ultimately pressured the universities to reconsider their policies of outsourced labour for the cleaners and the security and to implement 'insourcing'. The insourcing of workers took place at UCT. However, 'insourcing' was not implemented at all South African universities.

Prior to the student movements, another major event in South Africa took place in August 2012, which demonstrated a disturbing enmeshment of state and corporate power in exploiting workers and suppressing dissatisfaction. This event was the massacre of mine workers striking for a living wage and humane living conditions at Lonmin Mines in Marikana. The Marikana massacre has been described as a "major, lingering wound in the post-apartheid body politic" (Graham 2016, p. 769). Furthermore, the Marikana massacre has been linked to #FeesMustFall in 2015 because of how this campaign highlighted marginalised, precarious workers in South Africa.

1.4. The Significance of the Study

This study is socially and politically significant because it addresses an emergent social problem in South Africa: the impact of outsourcing and the plight of marginalised, precarious workers. The organisational trend of outsourcing these services clashes with the ethos of many universities and schools, who believe in creating ethical, respectful students who recognise the needs and the rights of all citizens in South Africa. Due to the recent public

protests surrounding outsourcing, this issue has gained traction in the research community and more studies on outsourcing have started to emerge. However, considering the magnitude of this problem, there is still insufficient research on this topic. This study attempts to bridge that gap and shed light on the experiences of outsourced workers at a school in Cape Town. Furthermore, this study helps us develop a deeper understanding surrounding outsourcing, specifically its ethical impact on workers and educational institutions in South Africa.

1.5. The Outline of the Thesis

Chapter Two reviews literature on outsourcing; the use of outsourcing services in The School and the universities; and the ethical impact of outsourcing on the school and universities in post-apartheid South Africa. Chapter Three outlines the methodological considerations of the qualitative study undertaken at the School. Chapter Four reviews and discusses the results of the study. The results confirm that the majority of the 42 outsourced workers at The School work under challenging conditions and experience low wages, uncertain future career prospects, job instability and a lack of support, as well as a lack of communication and skills training from the outsourced company. The final chapter of this thesis, Chapter 5, includes a summary of the study's findings, its limitations and contributions, recommendations for future research, and final reflections and conclusions.

Chapter 2: The Ethics of Outsourced Labour: A Literature Review

2.1. Introduction

This chapter will review the literature and research surrounding the ethics of outsourced labour in educational institutions. Both schools and universities are microcosms within the broader context of South Africa. Outsourcing cleaning and security services have become a global trend amongst educational institutions. However, this trend is embroiled in scandal as there has been a rise of protests and literature surrounding the ethical dilemmas associated with outsourced labour.

2.2. Outsourced Labour and the South African Context

De Kandt (2015) notes in his article in *The Washington Post*, that when thousands of university students in South Africa took to the streets to protest the rising cost of university fees, it was not well covered in the mainstream media. However, social media covered the protests extensively. While the student marches had been mostly peaceful, they were according to De Kandt (2015, p.1) “met by public order (riot) police, tear gas, stun grenades and tasers”. A fundamental theme in the literature reviewed is the blame attributed to protestors for violence. Duncan (2016) argues that protests are reported on two conditions; whether they are violent and depending on who is involved. Duncan (2016, p. 142) asserts that the media mainly focuses on violent protests, “creating the impression that the protests in South Africa are inherently violent, and that police action against them is warranted to protect property and public safety”. Mamdani (2003) explores the concept of violence as rooted in the historical context of post-apartheid South Africa and argues that violence “needs to be understood within its genealogy rather than its symptomology” (p. 7). Langa introduces the Fanonian perspective that the violent reaction of the students can be understood as the

rejection of a colonised mentality and as an attempt by students to free themselves from oppression (Fanon 1963)

The right to protest is protected by the South African constitution as a democratic right. Universities, as centres of academic excellence, should be leaders in issues of transformation, equality and equity. Langa, Ndelu, Edwin and Vilakazi (2017) highlight the distinct challenges that students face and argue that these are linked to the broader structural issues in the country. The literature informs us that the student protest movements were not so much about fees, but also about being poor and black. At the peak of the protests, involving fighting for #RhodesMustFall, #FeesMustFall and eventually #OutsourcingMustFall, a picture appeared on social media of a student holding a placard reading “our parents were sold a dream in 1994... and so we are here for a refund”. “The 'Rainbow Nation' Made Us Believe That Even Within Our Differences We Are Equal -- But We Are Not” (Kunene 2017). These slogans indicate that for the youth of South Africa, 1994 carries the weight of unfulfilled democratic promises, and the continued use of outsourcing is a testimony to the enduring inequalities in the country.

The students participating in the 2015 protests identified with the outsourced workers as they regarded them as symbolizing their own parents’ struggle against poverty and exploitation. This is aligned with the academic literature on outsourced workers at universities in South Africa, such as Luckett and Mzobe’s (2016) work, in which they argue that the identification of the workers as the students’ parents was a key factor in the unity between students and outsourced workers (pp. 94-99). Luckett and Mzobe’s (2016) further argue that it was due to the unity between students and workers that the victory of insourcing was won after 15 years of struggle. In the article, Mzobe, an outsourced worker

herself, answers questions surrounding the struggles outsourced labourers face (Luckett & Mzobe 2016). Although this article provides us with an important peek into the world of an outsourced worker, it also highlights the need for more qualitative descriptive thematic research that explores the narratives of more outsourced workers.

2.3. From Outsourcing to Insourcing: The Case of UCT

In her master's thesis, 'Feminisation and Outsourced Work', Bardill (2008) examines the meaning of transformation at South African Universities from the perspective of the outsourced workers at UCT. Bardill's (2008, p.iv) study "explores the ways in which the dual goals of 'marketisation' associated with South African neo-liberal policies and 'transformation' of the higher education system come into conflict and contradict one another". There have been national and institutional-level commitments to gendered and racialized transformation in the higher education sector; however, this appears to be in direct conflict with the trend of outsourced labour, which creates an under-represented and marginalised work-force (Bardill 2008).

Bardill's (2008) academic study has a slightly different lens than other research on outsourced labour in higher education in South Africa because it focuses on the underrepresentation of women working in higher education. Nonetheless, her findings reveal that the University excludes 'outsourced workers' or 'non-core workers' from the privileges that core workers have. This finding is also supported by Luckett and Mzobe's (2016), who argue that outsourcing labour reinforces exclusionary practices and 'apartheid-like social and economic divisions, as the skilled administrators and academics who remained 'core' university employees were mostly white and middle class, while the 'unskilled' service workers, who were working class and almost all black, were redefined as 'non-core' (p. 95).

Bardill's (2008) study is a valuable contribution to the existing literature surrounding outsourced labour in higher education in South Africa, specifically because of its unique gendered perspective which is often overlooked in media reports surrounding this issue. However, Bardill's (2008) study predates the #OutsourcingMustFall movement, which as argued in the previous section, takes up some of the concerns raised by Bardill, specifically as pertains to restoring the dignity of workers.

In response to the #OutsourcingMustFall movement, UCT spokesperson, Patricia Lucas announced that UCT had called for a review of outsourcing the previous year. However, the costs of insourcing were prohibitive and would cost UCT R58 million a year, as well as an upfront asset purchase cost of R68 million (Fredericks 2015). In another context, Lucas also defended UCT's prior outsourcing agreements as they included a Code of Conduct to ensure that the outsourced workers at UCT "have a voice in the form of structured representation within the workplace" (Lucas 2016). UCT also extended its workers' benefits to include outsourced workers and their dependents as recipients of reduced tuition rates if they were accepted into a course at UCT (Lucas 2016).

Petersen (2015) however, reports on Thursday 29, October 2015, that despite the costs of insourcing, Vice-Chancellor Max Price announced that UCT had committed to the principle of insourcing. This was a massive victory for workers and students. However, although management had committed to 'insourcing' in principle, not all outsourced workers have benefitted, and the implementation of 'insourcing' has been retarded by other financial difficulties, specifically declining state subsidies. In this regard, Max Price told the UCT community on June 21, 2016, that:

“insourcing is not the key driver for austerity measures at the institution...”the key driver of our current austerity measures has been the declining level of the state subsidy allocation to UCT over the past five years” (Lucas 2016).

Despite declining subsidy rates, nearly 1000 workers became full-time employees at UCT on 1 July 2016 (Petersen 2016). Petersen (2016) interviewed Miriam Motlhanke, whom she describes as having waited for 20 years to become part of ‘the UCT family’. The article documents and personalises the story of an outsourced canteen worker, who had given up her dream of becoming a core employee at UCT and who was 55-years-old when she received the news of being ‘insourced’. She states: "At last I will have access to the many benefits I know we deserve, such as medical and housing - and most of all education subsidies for my three children" (Petersen 2016, p.1). This historical agreement between UCT management and the National Education, Health and Allied Workers Union (Nehawu) took a decade of struggle.

Mametve Sebei describes in his interview with the magazine, *Amanadla!* That big victories were achieved through the solidarity of the workers with the university students, which forced the implementation of "insourcing" (Sebei 2017, p. 6). On each university campus conditions for outsourced workers were improved. It is interesting to note that at each university there are differences in the responses to improving the work conditions and remuneration of the outsourced workers. Sebei (2017) shares examples such as Sefako Makgatho University where all contract service providers were terminated. At TUT workers got 100% wage increase from R2500 to R5000. At the University of Free State after a one-day strike, an immediate decision was made for insourcing inclusive of a 100% wage increase.

The actions of UCT management (and the managers of other South African universities) indicates that they have put in place measures to restore dignity to their outsourced workers and that they are thinking and reflecting in a manner that supports a transformed university.

While they have not yet ensured that all the outsourced workers are recognised as equal employees at the university, they have begun to change the conditions of service and have made a significant move toward insourcing.

Msimang (2016) warns in an article in *Sax Appeal*, a UCT-based newspaper, that when attempting to right the future and transform our society in line with its claim to being democratic, we cannot take a binary approach to build a hopeful society as it is extremely complex, and is still finding its way from its damaged past. Msimang (2016, p. 67) argues, “The burdens South Africans bear are heavy and we are broken... Alice Walker tells us that the way forward is with a broken heart”. She concludes by suggesting “we accept that being damaged does not preclude progress” (Msimang 2016, p. 67).

2.4. Labour Unions and Outsourced Labour in South Africa

Despite the ‘insourcing’ victories at South African Universities, South Africa – as mentioned above – is a nation struggling to transform its history of racist oppression and inequality to a modern day democratic state. Apart from the student movements, outsourced labour practices have also come under scrutiny from labour unions, which have embarked on campaigns against this oft exploitative practice. These campaigns have been in the form of various public hearings of stories told to members in the parliament of ‘modern day slavery’, as well as demonstrations, highlighting the plight of outsourced workers. It is reported in the media that the unions oppose outsourcing labour because it allows employers to shirk their

responsibilities to workers when they are employed through an intermediary. This, in turn, diminishes workers' rights and the unions' abilities to organise (Du Plessis 2009c, p.6). Unions argue that outsourced labour is a form of cheap labour contracted by businesses to maximise profit. In line with this argument Swanepoel & Slabbert (2012), state that "labour broking became an important form of employment for businesses wishing to increase their profits by employing few or no skilled workers".

Despite the protests by Unions, critics argue that labour unions in South Africa do not offer sufficient protection to outsourced workers because labour is dispersed across the country and not easily organised due to the global trend of outsourcing. Bell (2009), in his article 'Inside Labour' in the Cape Times, argues that the combined negligence of the Department of Labour (who has failed to monitor and prosecute breaches of labour law) and the trade unions, is to blame for the working conditions and low pay of many outsourced workers in South Africa. The complexity of the situation is further compounded because the South African government happily reaps the economic benefits of outsourced labour. In another article in the Cape Times, Du Plessis (2009a) found that while labour unions, like the Congress of South African Trade Union (COSATU), want the practice of outsourced labour banned, the government had paid labour brokers nearly R124 million during the 2008-2009 financial year. In fact, government departments commonly hire workers through labour brokers, to help with projects during busy months and to stand in for full-time workers who are on maternity and sick leave (Du Plessis 2009b).

Although labour, business and government sectors are divided on the issue of outsourcing, all three parties supported the objectives that rights need to be given to outsourced workers. Despite this support and suggested legislative amendments, very little has changed for many

outsourced workers on the ground in terms of their work conditions and benefits (Pressly 2011).

2.5. The Stark Contrast between Media Coverage and Academic Research on Outsourced Labour in South Africa

There are a plethora of journalism and media reports on the ethics of outsourced labour in South Africa, but few academic studies and books that address this issue. Furthermore, the academic literature on this topic is more tempered, whereas journalism is more critical. For example, Webster and Buhlungu (2004), who conducted an overview of the labour movement and trade unions in South Africa, argue that labour unions in South Africa have lost the capacity to provide a voice for the new working poor, outsourced labourers. Webster and Buhlungu (2004) contextualise the labour movement and the actions of the trade unions by exploring the growing marginalisation of labour in post-apartheid South Africa. They track the growing trend of outsourcing labour in South Africa and highlight the importance of regulating this trend before it becomes the norm. They suggest the revitalisation of initiatives for South Africa's labour market, including revitalising trade unions and increased regulation. However, the article seems to understate the exploitative nature of outsourced labour as part of the labour movement in South Africa and underestimates the political and social importance it currently holds.

Bezuidenhout and Buhlungu (2011) authored an academic article on fragmented labour in the mining industry in South Africa, in which they highlight the trend of outsourcing cleaning and security services in the mining industry to external companies and document the impact that this has on the labour force in the mining industry. In other work by Webster and Buhlungu (2004), a similar theme is examined that focuses on the increasing fragmentation of

the labour force in South Africa and the dangers that this poses for workers' rights. Bezuidenhout and Buhlungu (2011) also explore the paradox of workers' rights, which come into conflict with profit-centred businesses, which is central to the exploitative practice of outsourced labour. However, yet again this article does not go far enough and is not critical enough of the impact that outsourced labour has on the dignity of the worker.

The media reports surrounding the ethics of outsourced labour appear to better capture the concerns and nuances of this social and political issue than the extant academic literature. However, the exception is Bezuidenhout and Faikier (2006) article, which constitutes a qualitative case study with a contract cleaner from WITS University and captures the experiences of this woman, thereby painting a picture of struggle and hardship. This article also explores the neoliberal, post-apartheid order in South Africa, and highlights the exploitative common practice of outsourced labour. However, while this qualitative study is poignant, it fails to capture the role of trade unions in this struggle and does not offer many solutions to remedy this exploitative practice in business in South Africa. The article also only focuses on the experiences of one woman, and although this case study is both authentic and eye-opening, it highlights the need for more research on outsourced labourers and their struggles.

2.6. An Ethical Work Environment in South Africa

McDaniel, (2004, p. 2) in her book on organisational ethics, argues that a fundamental component of the ethics of an organisation is reflected in its measurement of justice. While McDaniel (2004) is referring to organisations in general, in this context, her argument can also be applied to educational institutions, as a sense of justice should be reflected in all aspects of these institutions. McDaniel (2004) further argues that the management of any

organisation has the responsibility to be ethical advocates who define and guard the ethos of the organisation to ensure its continuity. According to McDaniel (2004), there are two aspects that determine a good measure of ethical justice in an organisation: “Respect and fairness” (p. 2). Her argument on what constitutes an ethical work environment is relevant when evaluating how outsourced labour is an exploitative practice because it is in opposition to ethical justice in the workplace.

The theme of the ‘importance of an ethical workplace in South Africa’ can be expanded by viewing Thaddeus Metz’ ideas on African ethics. In his search for an African normative principle, he analyses the values associated with the term "Ubuntu", which is commonly understood by its reference to humaneness, and more precisely the idea that “a person is a person through other people” (Metz 2007, p. 323). Desmond Tutu, (1999), winner of the Nobel Peace Prize and former Archbishop of South Africa, describes “Ubuntu” as referring to the human traits of generosity, hospitability, compassion and caring. Tutu (1999, p. 31) once stated: “My humanity is caught up, is inextricably bound up in yours”. In applying the principle of ‘Ubuntu’ to the practice of outsourced labour, it can be argued that outsourced labour does not serve the principle of ‘Ubuntu’ because outsourcing undermines the dignity of the worker. In the conclusion of Metz’s (2007) article, he defends the idea that Ubuntu can serve as a ground of public morality if interpreted correctly. As such, the appeal to Ubuntu presents a strong normative position for undermining outsourcing.

2.7. Conclusion

This chapter reviewed the current literature surrounding the trend of outsourced labour in South Africa, specifically in the education sector. The growing practice of outsourcing labour in education institutions has led to a rise of protests and literature on the ethical dilemmas

associated with outsourced labour, which are in opposition to many universities' and schools' transformation goals, and which has forced South African universities to act. Nevertheless, the practice of outsourcing in South Africa continues to be rife and should be interrogated more widely in the academic literature. As previously stated, this study contributes to the literature through virtue of presenting a case study on outsourcing at a school in Cape Town. Chapter 3 presents the methodology that informed this case study.

Chapter 3:

The Methodology

3.1. Introduction

Having worked in a school alongside outsourced workers for over 18 years provided me with insight into their low salaries, job instability and lack of access to medical benefits. Regular informal conversations with these workers over the years led to an interest in conducting research on the use of outsourced labour in the education sector, which also highlights the need to capture and document the outsourced workers' experiences. It appears that stakeholders at The School, including the School Board, management and parents, have little knowledge of the employment conditions of the outsourced workers at the School. If they were aware, they have not voiced their concern. As previously stated, the current study explores the ethical dilemma of utilising outsourced labour in an educational institution, when the institution in question, The School has certain ethics and values, which are in conflict with the exploitative practice of outsourced labour. A case study was conducted at The School and interviews following a formal questionnaire were conducted with 42 outsourced workers at The School. The School explicitly expresses in its mission statement that it adheres to the values of morality, honour, decency and compassion; and that it is dedicated to educating honourable persons and to building good character in students. However, these ethics and values conflict with the exploitative conditions of service for the outsourced workers, because outsourcing reinforces apartheid legacies, rather than transforming them (Bezuidenhout & Fakier 2006). The results will hopefully highlight the vulnerability of these workers and lead to policy reform at the School regarding outsourcing. This research aims to add to the body of knowledge that exists surrounding the global trend of outsourced labour in the education sector; the activism surrounding outsourced labour; and

the transformation goals of the education sector in post-apartheid South Africa. The methodology chapter outlines the methodological considerations of the study, such as the research design, data collection, data analysis and ethical considerations.

3.2. Research Design

According to Denzin and Lincoln (2005) research is determined by the nature of the research question and the subject being investigated. The research question asked in this study is: ‘Even though outsourced labour is an accepted practice worldwide, does it best serve the interests of all people in South Africa, specifically within the context of South Africa’s transformational goals and the values and ethics of The School?’. The study used a qualitative research design, including structured interviews, where both open and closed questions were asked. Forty-two outsourced workers were interviewed and interpretative thematic analysis was used to analyse the interview transcripts. Descriptive statistics were also used to represent the demographics of the sample and to reflect the distribution of the answers to the closed questions in the interviews. By utilising both descriptive statistics and interpretive thematic analysis, a higher level of understanding was achieved. Furthermore, using qualitative interviews allowed the researcher to develop a deeper understanding of the research question while exploring the narratives of the respondents with open-ended questions.

Since interviews were utilised, the researcher was positioned as the research instrument, which leaves space open for the biases and ideological preferences of the researcher. However, reflexivity was practised to guard against the potential prejudices that could impact the current study. The researcher designed the interview schedule and a neutral person outside of the study was chosen as the interviewer. This helped ensure a level of objectivity

in the interview process. Validity in qualitative research can be controversial. Winter (2000, pp. 1-14.) suggests that “validity is not a single, fixed or universal concept, but rather a contingent construct, inescapably grounded in the process and intentions of particular research methodologies and projects”. Johnston and Pennypacker (1980), describe qualitative research as “a degree of approximation of reality” because “reality in qualitative research is concerned with the negotiation of “truths” through a series of subjective accounts” (pp. 190-191).

3.3. The Sample

The target population was the outsourced workers at The School, situated in the Western Province of South Africa. The sample was made up of both male and female cleaners and security workers that were outsourced to work for The School, which is based on 10 campuses across the suburbs of Cape Town. Outsourced workers are contracted to the School by two different companies. A sample of 42 (out of 56) workers across these two companies were identified. There was a relatively equal distribution of cleaners and security workers in the sample. All the outsourced workers at the two companies were contacted, and 42 out of 56 workers chose to participate in the study. The sample consisted of 25 cleaners and 17 security guards. The sample of 42 outsourced workers is a purposive sample because the sample is a deliberately “non-random method of sampling, which samples a group of people with specific characteristics” that will provide the researcher with the most relevant information for his or her study (Ulin et al. 2002). Convenience sampling was also utilised as I, the researcher sampled respondents in my workplace, some of which I knew personally. Convenience sampling is used to recruit respondents, who are easily accessible and convenient to the researcher. This may include utilising geographic location and resources that make participant recruitment convenient. Only one interview was conducted with each

participant, and after 42 interviews the data reached a saturation point and new themes stopped emerging.

3.4. Data Collection

Once the respondents had agreed to be interviewed, a time was set that suited each participant, which was usually during their lunch break. All the respondents signed informed consent forms and acknowledged that their participation was voluntary. The interviews were conducted in English, which was the second language of all the respondents and some of the questions had to be explained a few times for clarity. The interviews followed the nine structured questions outlined in the questionnaire. However, occasionally the interviewer engaged in casual conversation with the respondents during the interviews to facilitate a better rapport and build a good and trusting participant-interviewer relationship. All interviews were audio-tape recorded with the permission of the respondents. The interviews were conducted over three weeks and the average length of the interviews was approximately forty-five minutes. The interviewer followed the guidelines set out by Neuman (2016, p. 105): the interviewer ensured that all questions asked were specific and structured; the interviewer showed interest in the respondents; the interviewer encouraged respondents to elaborate on their responses and engage in a natural flow of conversation with the interviewer; the interviewer adjusted to the respondents' language style; and, the interviewer shared the interview space in a warm and friendly manner thereby creating trust and openness.

3.5. Data Analysis

The recorded interviews were transcribed verbatim by the interviewer and the respondents' answers were written alongside the questions. The answers to all the questions were gathered

and collated and formed a general picture that framed the outsourced workers' working conditions. As previously stated, descriptive statistical analysis was used to represent the answers relating to the closed questions outlined in the interview formal questionnaire. A qualitative, interpretive "thematic analysis was also used to analyse the data. Thematic analysis is a rarely-acknowledged, yet widely-used qualitative analytic method", known for its flexibility, accessibility, usefulness and uniqueness (Braun & Clarke 2006; Roulston 2001). It is "a method for identifying, analysing, and reporting patterns or themes within data", as well as reporting the experiences, meaning and the reality of respondents (Braun & Clarke 2006; McLeod 2001). According to Braun and Clarke (2006), "a theme captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set", as will become clear in the discussion on findings. As the researcher, I firstly read and reread the interview transcripts, then I began to "look for patterns of meaning and issues of potential interest in the interview transcripts" (Braun & Clarke 2006). Once the themes emerged, I explored the relationships and patterns between each theme, as well as the collective and holistic meaning of the "themes in relation to the research question".

The themes that emerged were interpreted and told a story reflecting my own (the researcher's) interpretative lens, as well as the voices of the outsourced workers interviewed. The questions asked during the analysis process were: 'What are the assumptions underpinning the theme?', 'What conditions are likely to have given rise to the themes?', and finally 'What is the overall story that the various themes revealed in the narratives of the outsourced workers?'

3.6. Ethical Considerations

From the outset, I established transparency regarding the current study with the School Governing Board and the Outsourced Companies. A meeting was held with the School governing body and the research project was presented to them. The Chair of the Board felt that it was important to approve the research project because it was aligned with the ethos of the school, which advocates for open and transparent academic enquiry. The only objection came from the finance sector of the Board, who were concerned about the impact the study would have on the School's financial operational decisions. This objection indicates the real tension between the financial and the educational dynamics at the School and more widely in the education sector. The decision to outsource the cleaners and security made by the School management in 1999 was financially motivated and was favoured by the financial administration. It was believed that by placing non-core work outside the School's management responsibility, the responsibilities of the principals at the School would be streamlined, therefore making it possible for them to focus on their core responsibilities. Given the sensitive nature of the case study and the unequal power dynamics between the managers of the outsourced company and the workers, permission to interview outsourced workers was sought and obtained in writing from the management of the Outsourced Companies and the School Board.

Ethical clearance was obtained from the Ethics Committee at the University of Stellenbosch. In addition, respondents gave informed consent and signed consent forms, acknowledging their willingness to participate in the study. The consent form is attached as Appendix A (p.69). Confidentiality and anonymity were emphasised and respondents understood that their identities would be concealed in the final report. The interviewer reported that some of the workers were insecure about participating as they were concerned that they would lose their

jobs, which is why I, the researcher paid special attention to concealing the identities of respondents, removing identifying information from the interview transcripts and making confidentiality a primary concern in the current study. Despite this concern, all respondents expressed their appreciation for the opportunity to share their personal experiences.

3.7. Ensuring the Validity, Reliability, Credibility and Trustworthiness of the Research

As the researcher, I have ensured the validity, reliability, credibility and trustworthiness of this study through various measures. Morse et al. (2002), argues “That the concepts of reliability and validity are an overarching construct that can be appropriately used in all scientific paradigms because”, as Kvale (1989) argues “to validate is to investigate, to check, to question, and to theorise”. Reliability and validity were promoted by ensuring that the interviewer was a neutral person outside of the study and the interviewer and researcher were mindful of not to let their biases prejudice the study. As the researcher, I talked about my data and the research process with my supervisor and other academic colleagues. This allowed me to engage in an extended period of self-reflection and critical thinking, which helped enforce the validity, credibility and trustworthiness of the study. I also had prolonged engagement in the research setting, as I also work at The School where the outsourced workers work. Prolonged engagement is a practice for ensuring credibility in qualitative research and is used by researchers as a way of building trust with respondents, becoming familiar with their life-worlds and checking misinformation in the research process (Creswell 1998). Peer reviewing occurred and each step of the data analysis was checked by an academic colleague at an international university. Peer reviewing promotes the dependability of a qualitative study, because it ensures that the research process is well documented and free from bias (Creswell 1998). I practiced further reflexivity to ensure the quality of the current study by reflecting on how my own position of power is different from that of the respondents. I was aware that

their responses might be skewed to reflect what they would want me to hear. However, I also protected against my bias by using an independent interviewer and journaling about my own journey during the research process. The current study also provides a rich thick description of the research methodology to ensure transferability and trustworthiness (Creswell 1998).

3.8. Conclusion

This chapter outlined the research design, sample, data collection and analysis process, as well as the ethical considerations involved in the current study. The research methodology described in this chapter allowed me to investigate the ethics of outsourced labour at the School and to determine the impact that this form of work has on the lives of the workers. In order to determine the role that the school plays creates an ethical conflict with regards to the workers experiences and the ethos of the school. The following chapter will discuss the findings of the study and situate the findings in the context of the ethical dilemma of outsourced labour in educational institutions in post-apartheid South Africa.

Chapter 4: Findings and Discussion

4.1. Introduction

This chapter will discuss the findings of the study and will situate these findings in the context of the existing ethical dilemma of outsourcing labour in the education sector in South Africa. Descriptive analysis is used to represent the demographics of the sample and the closed questions in the interviews, whilst, qualitative thematic analysis following Braun and Clarke (2014) is used to analyse the open questions and flow of conversation in the interviews. Patterns emerging for the themes will also be discussed and critical thinking will be applied when discussing the results.

4.2. Descriptive Statistics

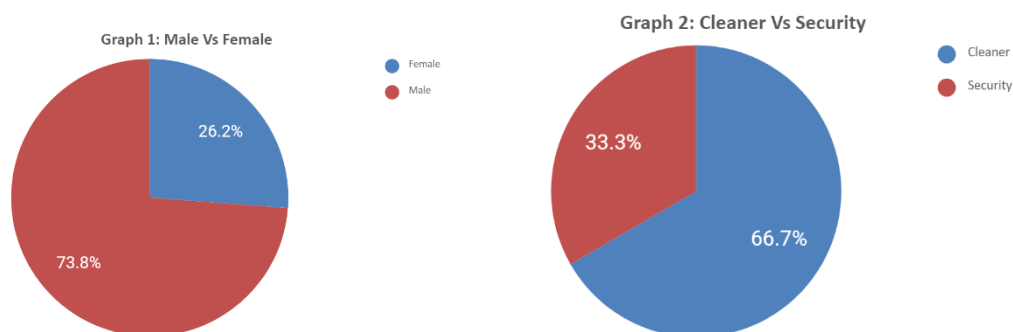
4.2.1. Sample demographics

The study conducted was composed of a sample size of 42 respondents. Table 1 below shows that 31 of the total respondents were male, while 11 were female, resulting in an unequal split. A further observation from, Table 1 is that there were 28 cleaners and 14 security guards, which is an unequal distribution. As the researcher, I aimed to try and have an equal distribution of cleaners and security guards, however the sample was subject to how many respondents wanted to participate and I did not want to reject anyone from sharing their story for the sake of an even sample distribution, because I believe that this study should prioritise and facilitate the personal accounts of these outsourced workers as they have been so marginalised already. It is worth noting that the outsourced workers at The School live in previously disadvantaged communities in Cape Town and most of the respondents had

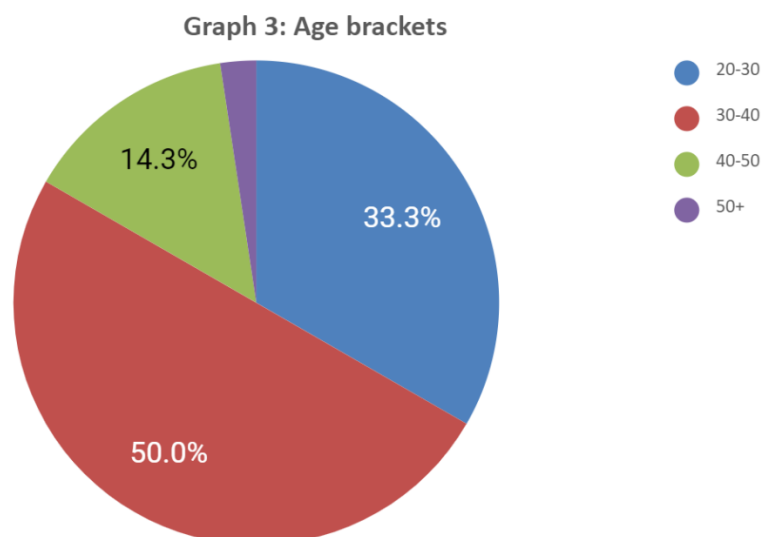
limited opportunities to study further. They also have limited opportunities to learn new skills that could help them access better job opportunities.

TABLE 1: SAMPLE DEMOGRAPHICS			
	Cleaner	Security	Grand Total
Female	10	1	11
Male	18	13	31
Grand Total	28	14	42

Graph 1 and Graph 2 below, shows that the sample population consisted of 26% female and 74% male, of which 33% and 67% were security and cleaners respectively.

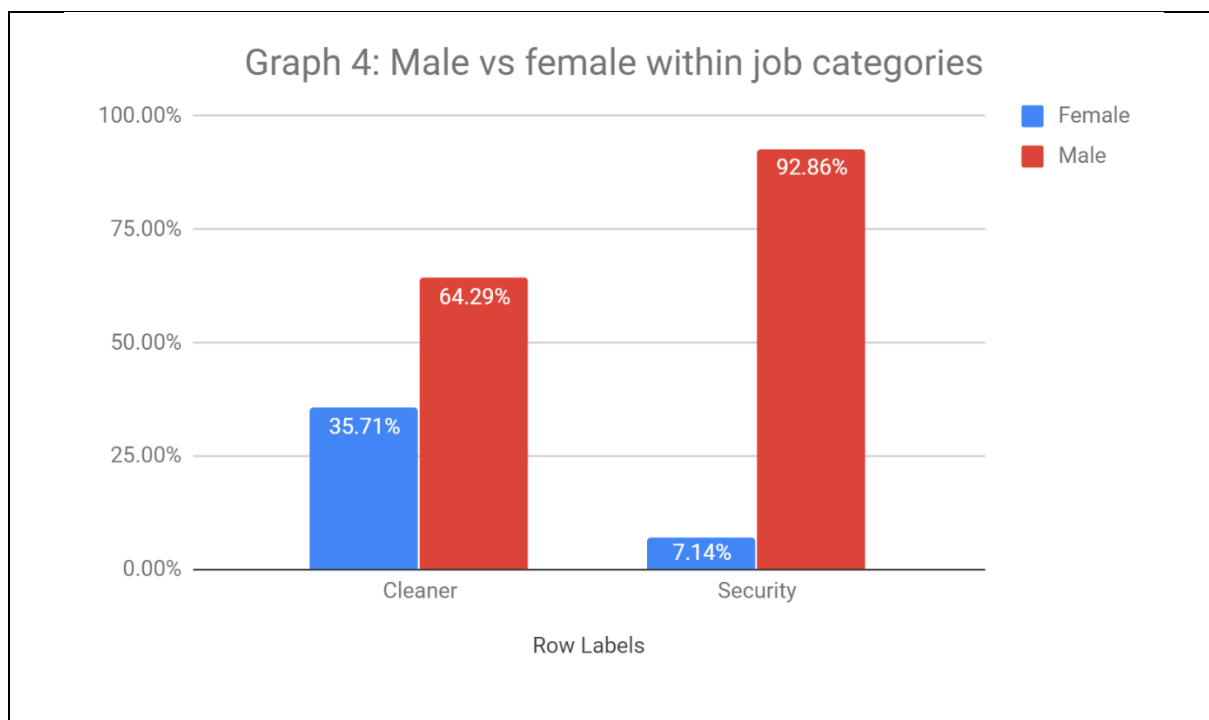


Graph 3 below, depicts that the majority of the respondents in the interview were in the 30-40 year age bracket (50%), followed by the 20-30 age bracket (33%), the 40-50 age bracket (14%), and 3% in the 50+ age bracket.



Graph 4 below demonstrates the gender distribution that exists in the two functions. Particularly noteworthy, is that in the security guard job category, 92.86% of the respondents are male and 7.14% are female. In the cleaner category, 35.71% are female respondents and 64.29% are male, demonstrating a more gender-neutral job category. The unequal gender representation in the security guard category may be reflective of a larger trend in South Africa, in which men are typically assigned as security guards². The current study is based on a small sample and therefore the research cannot generalise findings to the general population.

² Anker (1998) explores this concept in his book “Gender and jobs: Sex segregation in occupations in the world” and argues that sex segregation in occupations is a social construction, which is seen as natural and normal but is a reflection of patriarchy and women's subordinate position in society.



4.2.1.1. The representations of the closed questions in the interviews

The closed questions, in which only a 'yes' or 'no' answer was required are represented using descriptive statistics. Table 2 depicts these closed questions, the answers and the distribution amongst the respondents.

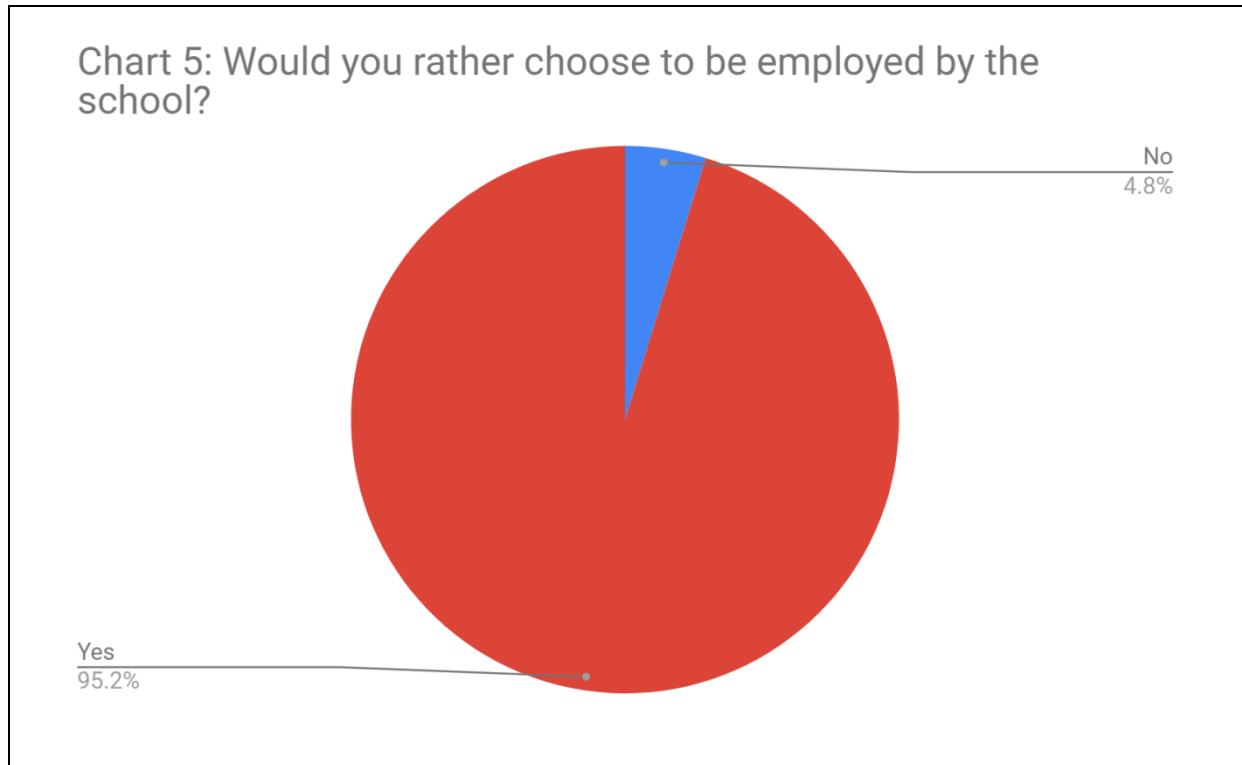
TABLE 2:	
QUESTION 1:	ARE YOU EMPLOYED BY THE OUTSOURCED COMPANY TO WORK FOR THE SCHOOL?
No	0%
Yes	100%
QUESTION 2:	DO YOU UNDERSTAND YOUR CONDITIONS OF EMPLOYMENT?
No	7%
Yes	93%
QUESTION 3:	DO YOU FEEL SATISFIED IN THE WORK YOU DO?

No	26%
Yes	74%
QUESTION 4:	ARE YOU HAPPY AT THE SCHOOL?
Yes	100%
QUESTION 5:	WOULD YOU RATHER CHOOSE TO BE EMPLOYED BY THE SCHOOL
NO	4.76%
YES	95.24%

As is evident in Question 1 of Table 2, 100% of the respondents are employed by outsourced companies with many the respondents (93%) understanding the conditions of their employment. However, the conditions of their employment are outlined in a dense form, which can be considered complex from a legal and HR point of view (days leave, workers' rights, benefits or lack thereof). An interesting discrepancy exists between question 3 and 4 is that 26% of the respondents are not satisfied with their work, whilst 100% of them are happy at the school. This could be demonstrative of the school ethos and how an environment attributes to a satisfactory workplace, even though employees may not be happy with their work. This emphasises the importance of organisational culture in ensuring job satisfaction, which is well documented in existing literature (Lok & Crawford 2001 2004; Wrzesniewsk 2003).

In Graph 5 below, 95% of the outsourced workers interviewed indicated that they would rather be employed as core-workers by the school than remain as outsourced workers. This common desire highlights the various drawbacks of being an outsourced worker in an

educational institution, which will be explored in further detail in the qualitative, interpretive thematic analysis in the next section.



As seen in graph 6 below, 81% of respondents said that they do not have future prospects, this is an alarmingly high number and demonstrates a lack of confidence in their respective employment.



4.2. Qualitative Thematic Analysis

After reading and re-reading the interview transcripts, it became obvious that the conditions of service for the outsourced "non-core" workers are different from the conditions of the "core" workers in The School. The aim was to understand how being an outsourced worker at The School impacted the respondents. The interpretive thematic analysis of the interview transcripts revealed common themes and trends, which were also related to the literature, which is depicted in Appendix D: Thematic Map on p. 77. These include: The School as a workplace of choice; the present exclusion from being a citizen of The School community; existing informal interpersonal relationships at The School; a lack of job security and job mobility due to outsourcing; a lack of job promotion opportunities; and a barrier to fulfilling the workers' hopes and dreams.

4.2.1. *The School as a Workplace of Choice*

All 42 outsourced workers unanimously responded to question five that they were "happy" working at the School with the teachers, parents and children. Should The School decide to insource the cleaners and security, all 42 workers responded enthusiastically and expressed

their desire to become insourced workers at The School. This was demonstrated through the following statements by different respondents: “I would get a better salary” (Respondent 5, female cleaner); “To work for the school because the company won’t give me more money” (Respondent 11, male cleaner); “At the school conditions will be better” (Respondent, 26 male cleaner); “When you work for the school you have better benefits” (Respondent 12, male gardener); “Working for the school will improve the future” (Respondent 2, male security guard); “Working for the school is my biggest dream”(Respondent 7, male cleaner); “My company does not have good treatment and they don't pay on the right dates” (Respondent 15, male security guard); “Yes because I am not happy with the company” (Respondent 18, male, cleaner primarily assigned to gardening duties).

The security guards, who participated in the study, work shifts of 12 hours (from 6:00 am to 6:00 pm) and earn a minimum wage to cover their basic living expenses. Security guards who work after 6 pm for school events must wait for company transport to collect them. The company transport travels long distances to drop all security guards off, who often arrive home after midnight. The next day they are required to leave home at 4:30 am to catch public transport in time for their 6:00 am shift.

The outsourced company that employs cleaners, measures performance by the cleanliness of the school, even though many of the workers do more than just clean. For example, The School has a requirement that each day the hall is set up for assemblies and then reorganised for sporting events such as table tennis and dance. This means that the cleaners often have additional work, which is not recognised by the outsourced company. One of the cleaners stated: “The workload sometimes is a lot and due to time you cannot cope.” (Participant 17, female cleaner).

4.2.2. *Exclusion from being a citizen of The School community*

The work conditions between The School employees (teachers and administrators) and outsourced workers are further accentuated by the fact that outsourced workers only receive two weeks of leave, whilst 'core-workers' receive all the school holidays as their leave. This is depicted in one participant's statement: "We don't get three weeks, only two weeks and when we come back to work we are tired" (Respondent 40, male cleaner). While it is reasonable to expect different conditions of service for different jobs, there is a better way to manage these differences. For example, the length of the security guards' workday far outweighs the length of the cleaners' workday. As a result, the rate of pay per hour should be adjusted accordingly.

The School prides itself in being an institution that values and develops human potential and celebrates differences. However, there is little or no interaction around the outsourced workers' conditions of service. The interviews revealed a division between the core and non-core workers at the school. When examining the policy of inclusivity at The School, the outsourced workers do not benefit, nor belong as primary stakeholders, yet they share the same space. This exclusion is contrary to the ethos of The School. Jansen (2004) highlights this problem embedded in the exploitative practice of outsourcing labour in the education section and states that "[a]gainst this backdrop, the problem for South African higher education will not be race... The new problems will be the background, class and regional character..." (p. 10). With the goal to achieve "decent work" in South Africa, Cohen and Moodley (2012) outline the conditions defined by the *International Labour Organisation* (ILO) as freedom, equity and human dignity. These conditions are based on the

understanding that work is not only a source of income but also a way of claiming human dignity in post-apartheid South Africa.

One of the respondents highlighted how many of the outsourced workers have a fractured sense of belonging because of the division between core and non-core workers at The School. She states: "I think that if people can understand how we feel when we are here if they can take us as we belong here and not from the outside. If they treat us like we belong I can be happy." (Respondent 32, female cleaner). This exclusion is further reinforced by the managers, as outsourced workers are warned not to communicate with The School about any wage disputes, dissatisfaction regarding their work conditions or any personal issues. This can be construed as a code of silence, which is enforced by the outsourced company and creates fear and mistrust amongst the outsourced workers, further entrenching the division between core and non-workers at the School. The School prides itself on its "open door policy", encouraging conversations with all stakeholders, pupils, teachers, parents and staff about issues concerning school matters. However, this policy does not apply to the outsourced workers, who are prohibited from raising issues of concern with The School and many fear that if they do, they will be fired. The interviews with respondents highlighted how the conditions of service imposed on the outsourced workers, emphasise their status as standing apart from The School.

4.2.3. Informal interpersonal relationships at The School

While the formal relationship between The School and the outsourced workers is one of isolation due to regulations regarding the outsourced workers' conditions of service, there is an opportunity for interpersonal relationships with teachers and parents, as they engage when passing the workers in the passages or at the gates. Everyday conversations occur

spontaneously and, over time, relationships are formed. When engaging with the respondents the interviewer identified that the outsourced workers found weekend work by offering to wash cars for teachers and staff to earn extra money to cover their monthly expenses. In these ways, relationships develop, which helped build trust and in many cases job mobility. One of the respondents reported that he fixes teachers' cars after-hours and states: "In the future, I would like to study further because I have a certificate for level 1 Electrical Engineering but was unable to continue due to finances" (Respondent 19, male security guard). His hopes to study further, and the financial barriers he faces, are demonstrative of how many outsourced workers are stuck in the cycle of poverty, handed down from previous generations as a legacy of apartheid (Aliber 2001). Additionally, the cleaners in the sample are innovative and bake cakes for staff functions to earn extra money. This moonlighting brings to light the existence of a dynamic informal economy that allows workers to survive despite low salaries and poor working conditions.

The ethos of The School acknowledges that all staff are valuable and fundamental to the success of The School. The School is also committed to transformation goals and when a permanent post becomes vacant, consideration is given to outsourced workers, who have shown initiative and may be suitable for jobs in the teaching or the administrative sector. Cases worth noting include a security guard, who eventually become a full-time Xhosa teacher at The School. In addition, over 10 cleaners have been promoted to teaching assistants, lab assistants and administrative clerks. The dream of switching from being an outsourced worker to be a core worker of the school is reiterated by one respondent: "I would like to work for the school like my colleague got a job as a teacher assistant with the school and he learns the computer." (Respondent 18, male cleaner).

4.2.4. Job security and job mobility

The interviews revealed that the outsourced workers in The School have little control over their own work environment and experience little job security. This is demonstrated in one respondent's statement: "Being outsourced I am concerned every year about budget cuts and you never know where you stand - you could be cut! That is my concern." (Respondent 17, female cleaner). Furthermore, the outsourced workers are given little guidance and no work training from the outsourced company and, as a result, the workers are unable to develop their skills. The School has no obligation to provide training for the outsourced workers because they are not permanent staff. However, in the past, there has been skill development training at The School, which outsourced workers have attended, however, this attendance is optional for outsourced workers.

4.2.5. Lack of job promotion opportunities

There are no possibilities of promotion for the outsourced workers as the roles in cleaning and security at the two Outsourced Companies do not have scope for individual career path development. There is little financial recognition for excellence or work ethic as the only possible promotion post is the manager and there are only a few positions available at The School. This sentiment is reinforced by the statements of the respondents below:

'I would like to improve my working level and get a better position.'

(Respondent 24, male security guard)

'I wish to become a businessman but I cannot study as I have Grade 4 only and a wife and children to support.'

(Respondent 1, male security guard)

‘At my age, I cannot go big (51 years) so I hope to make it be a supervisor one day.’

(Respondent 23, male cleaner)

‘I have no training and can’t do anything but clean and hope to find money to become a truck driver one day.’

(Respondent 16, male security guard)

‘I am a professional chemist from the DRC and hope to study further one day and not be a cleaner but uplift myself.’

(Respondent 12, male cleaner primarily assigned to gardening duties)

‘I passed matric and wished to be a social worker but had no money to study.’

(Respondent 25, male cleaner).

The above statements demonstrate the respondents’ desires to improve their lives and change their careers, however, they face several barriers, which prevent them from doing so, such as lack of finances, lack of education and lack of job opportunities.

4.2.6. Hopes and dreams

The independent interviewer shared that she felt personally moved by the hopes and dreams the workers shared with her over the three-week-long interview sessions. The interviews presented an overwhelmingly positive connection to The School as the workers generally perceived the environment to be a place “that will improve my future” (Respondent 2, male security guard). One of the major themes seen throughout the findings is the representation of

outsourced workers as individuals, who have not had educational opportunities to pursue their dreams or careers of their choice. All 42 workers had taken jobs as either cleaners or security guards because of the inability to secure other employment. When asked in question 9 “What are your future career prospects?” respondent 1, a male security guard answered: “Just a businessman as I cannot go back to school because I only have Grade 2 and I have a wife and 3 kids”.

The respondents repeatedly asked if the research would result in better working conditions and better future job opportunities. Many of the respondents asked the interviewer if she could help them find other work or help them improve their wages. One respondent highlights her dashed hopes in the following statement: “Before when I was at school I wanted to be a nurse, but I didn’t go.” (Respondent 7, female cleaner). Most of the cleaners and security guards were Coloured and Black African and reported that their career choice was directly reflective of their lack of alternative employment and educational opportunities. Actions cannot be divorced from context and, as a result, it is important to highlight how the oppressive history of apartheid shaped the lives of the respondents in the study. Apartheid dictated that government spending was unfairly distributed along racial lines, denying the majority of the population the ability to accumulate capital, access educational opportunities and claim political rights (Nattrass 2002; Nattrass & Seekings 2001; Seekings & Nattrass 2015). However, the effects of Apartheid continue to live on in South Africa today, by observing who cleans the schools that wealthy White students attend, and who owns and manages these elite educational institutions (Henri & Grunebaum 2005; Seekings & Nattrass 2015). It can be argued that the plight of the outsourced worker is linked to the legacy of apartheid and is a continuation of the racial oppression and perpetuation of inequality that occurred under apartheid.

4.3. Discussion

This chapter analysed the research data, using both descriptive statistics and interpretative thematic analysis. The themes identified in the analysis included: The School as a workplace of choice; exclusion from being a citizen of The School community; informal interpersonal relationships at The School; job security and job mobility; a lack of job promotion opportunities; and hopes and dreams. Another overarching theme of the research is the struggle for human dignity in post-apartheid South Africa. Each of the respondents discussed their struggle in improving their earning potential; their struggle to access further education and training opportunities; and their daily financial struggle to survive as precarious workers, where they are constantly worried about the security of their jobs. The trend of outsourcing labour and the casualisation of labour exists in opposition to post-apartheid goals of transformation and equality (Nattrass 2002). Barchiesi (2011) argues that the rise of ‘precarious work’ in South Africa undermines the liberal and nationalist mythologies needed to help all South Africans gain social citizenship and to address the legacy of apartheid. The stories of the outsourced workers interviewed highlight the class struggle these men and women are grappling with and how they are trying to escape the cycle of poverty they are in.

Another overarching theme connected to the struggle of human dignity is the desire for economic growth. The data shows that many of the 42 respondents lack the means for economic growth and more prosperous opportunities for productive jobs. Human dignity is the one element that straddles the divide between a lack of respect and the low value attributed to the workers by the outsourced companies and their exclusion from being core workers at The School. Mveng (1992, p, 119) expands on the concept of human dignity and refers to “anthropological impoverishment”. He states “African poverty does not affect... the

material, social, or even political man. It affects the human condition in its deepest roots and its fundamental rights.” (Mveng, 1992). Murithi (2007) similarly argues that human dignity and human rights have a long and rich tradition in Africa, rooted in indigenous practices such as embracing the ethos of Ubuntu. This study has highlighted how the exclusion of outsourced workers from participating in the life of The School community denies them a sense of human dignity and respect, which goes against the practice of Ubuntu.

4.4. Conclusion

The interconnectedness of The School community resonates strongly with the African way of thinking as embodied in Ubuntu’s relational ethics. However, the African slogan, “an injury to one is an injury to all” and principles of Ubuntu need to be considered and applied in the case of outsourced workers at the School. By excluding the cleaners and security as members of staff the School is not recognising their humanity, but rather using their labour to serve the interests of The School. Moreover, outsourced workers are disregarded as concerns their right to decent salaries, benefits, citizenship and especially full participation in the collective process of learning together. The students leading the #FeesMustFall movement recognised that the outsourced workers are still experiencing discrimination and inequality on their campuses and that they are mainly Black men and women continuing to earn poverty wages. Considering these findings, it is time for all educational institutions in South Africa to acknowledge and address the plight of outsourced workers.

Chapter 5: Conclusion

5.1. Introduction

Having examined the literature, as well as conducted the case study of 42 outsourced cleaners and security staff at The School, this chapter concludes with recommendations to resolve the ethical dilemma of outsourced labour at The School, within the Universities of South Africa, and in a democratic South Africa. The problem statement that outsourced labour does not subscribe to the ethical underpinnings of a healthy and productive labour market has been widely explored. Outsourcing undermines socio-economic progress and human dignity, and requires innovative solutions to address the moral, economic and legal dimensions of this employment practice. In conclusion, some of the challenges, innovations, and recent developments in limiting outsourcing are briefly explored.

5.2. Outsourcing, Inequality and Poverty

Nattrass (2014a 2014b) state that an important driver of poverty and inequality in South Africa is the lack of opportunities for unskilled workers to find informal or low paid work. Our increasing wealth and inequality gap is viewed by many as the underlying cause of violence (as, for example, exhibited in the Marikana tragedy) and is partly attributable to the government's close connection with capital at the expense of the poor. The challenge for both the government and the private sector is to refrain from supporting unethical labour practices in South Africa. The cost of not prosecuting unjust and unethical outsourced companies and labour brokers is great as it leads to the perpetuation of an unequal society. To be an ethical activist is to propagate for fair labour practice and to promote national interest in South Africa.

Sifiso Skenjana, an investment and economic research specialist, recently wrote in the Business Times on the 20th September of 2018 that South Africa remains one of the most unequal societies in the world in terms of its income and wealth distribution (Skenjana 2018). This fact is reflected in all spheres of life in South African, including in the experiences of ‘core’ and ‘non-core’ workers. Throughout the study, the narratives of the outsourced workers reflect unequal work conditions, low wages and an absence of bargaining power. Skenjana (2018, p. 9) reports that “the Oxfam ‘Reward work not Wealth’ Report”, found that the cost of supporting one person’s monthly needs in South Africa is about R6, 460, though the minimum wage as of May 1 this year, is R3,500”. With the rising unemployment rate and an increase in cost of living, this paints a grim picture for the poor and vulnerable in South Africa, (Skenjana 2018).

5.3. Tackling the Problem of Outsourced Labour

With the rise in living costs, the shortage of jobs, and the growth in unemployment in South Africa, responding to the needs of outsourced workers is more complex than simply calling for a ban on labour brokers and the shutdown of outsourced companies. This study does not intend to add to the burden of our economy, but rather suggests the creation of fair and just conditions of service for outsourced workers so that they too can benefit from rightful employment.

Improving the conditions of outsourced workers first requires a recognition of their plight and a commitment to move towards more equitable and fair employment practices. The reality of the outsourced workers’ conditions of service at The School is invisible as the workers are forbidden to talk to the school about these conditions. The lack of consciousness blocks mobilisation of the management and workers to enable transformation. However, the status

quo can change. The students at the universities in South Africa have made visible the structures of oppression through protest action, and in their role as liberators have altered these oppressive structures at the universities. The students demonstrated that by identifying with the heritage and the lived daily humiliation of the outsourced workers, they could walk alongside the workers and call for their liberation.

Altering the work conditions of outsourced works requires a multi-stakeholder approach, as also evidenced by the outcomes of the #OutsourcingMustFall movement. The successful transformation of outsourced workers at the universities in South Africa was due to a combination of solidarity with the students who helped to mobilise and empower the workers to assert their rights, as well as the political will of the management of the universities to understand the need for transformation as a complete organisational overhaul.

Although the challenges are many, it is important to recognise that ‘[w]e all have a responsibility to stabilise our democracy and chart a new economic path... In every revolution the people are primary – everything else is secondary’ (Jonas 2018, p. 22). With the understanding that human capital is our primary concern, how then is it acceptable that we settled for the exploitation of a large sector of the workforce who are outsourced? South Africa has fought too hard and too long championing the rights and humanity of its people and its workers. The very suggestion of “outsourcing” human labour to a third party makes the worker a means to an end. Hoppers (2010) reminds us that “a robust democracy requires a culture that respects the dignity of individuals, and the freedoms we associate with that respect” (p. 74). She continues to suggest that “structural violence” is applied when equality is withheld from its citizens.

5.4. Contribution and Recommendations

In terms of the contribution of this study, there is the hope that the outcomes of recording the lived experiences of the outsourced cleaners and security at The School, serve as a springboard for further examination and action around the ethics of outsourced labour in general, and in the context of the School.

The purpose of this research was to bring about awareness that outsourced staff work under different conditions of service to the employees at The School, and that outsourcing in general, presents us with a moral problem in that it undermines the dignity of workers, and constitutes unjust and unfair labour practice. However, given the dearth of academic literature on the ethics of outsourcing, more theoretical and empirical work needs to be undertaken to fully grasp the scope of the problem. In this regard, I suggest the following avenues for future research:

- Research on labour legislation related to outsourced/ precarious workers in post-apartheid South Africa.
- Research on how neo-liberal economic policies in the wake of post-apartheid South Africa have led to the rise of outsourced labour.
- Research on the practice of outsourced labour and the labour unions, focusing on the workers collective struggle for dignity.

Given the specific findings of this study, however, I argue that the school has a moral imperative to insource its outsourced workers immediately. It is in the nature of an ethical organisation, such as The School, to recognise the value of building and maintaining

relationships with all its stakeholders, including the cleaners and the security staff. As an agent of change, The School is required to reflect on its philosophy and its vision and to adapt and change where necessary.

There is a great willingness within The School's leadership to foster critical debate and to constantly re-evaluate its educational practices in line with the changing landscape so that the students are provided with a curriculum and tools that are relevant to their development. As transformational and innovative educators, the School's leaders should strive to impact on the entire organisation, and come forward with innovative strategies for integrating outsourced workers into the core body of staff. This is imperative given that management's actions speak to students in the loudest way, and that a recent legal ruling necessitates this action (see postscript).

A move towards insourcing will be welcomed by all the workers in The School. As stated by one of the respondents: "I would like to be employed by the school then I can learn to work with children and that will make me happy" (respondent 30, male cleaner)

5.5. Postscript

After the examination of the issues concerning the ethics of outsourced labour at the universities and the completion of the case study at The School, an interesting development regarding labour law was announced. Msimanga (2018) reports that a recent Constitutional Court ruling around the new amendments to the Labour Relations Act 66 of 1995, section 198A(3)(b) "assists in regulating the relationship between temporary employment services and an employer, not doing away with it" (p. 1). The Constitutional Court was tasked with deciding the correct interpretation of the employment relationship between the outsourced

worker and TES (Temporary Employment Services). The judgement assists in regulating TES and all other Outsourced companies, specifically as concerns the salary requirements (at least minimum pay) and duration of outsourced work (maximum three months). The new amendment of section 198A (3)(b) creates a dual employment obligation on the outsourced company and the client to protect the rights of the worker, and that outsourced workers must be employed directly by the client if they work for the client for a period of more than three months. The National Union of Metalworkers of South Africa (NUMSA) welcomes this decision as a major victory for outsourced workers. It is a step in the right direction to ending outsourcing in South Africa, in that it paves the way for outsourced worker to become employees of the client.

This judgement is also welcomed in the context of The School, as it is the desire of all 42 outsourced workers to be employed by The School. Each of the 42 outsourced workers, both security and cleaners have all worked for The School for over three months. While this judgement does not support a full ban on outsourced labour, it does ensure that it is restricted to temporary employment of up to three months. Cliffe Dekker Hofmeyr (July 26, 2018), in a published employment alert, expands on the interpretation stating that “whilst the court does not ban labour brokering in its entirety; it aims to ensure that the provision of temporary services is truly temporary.”

Interestingly the Commission for Conciliation, Mediation and Arbitration (CCMA), interpreted the law based on the sole employer interpretation, rather than the dual employment interpretation as it creates confusion. Despite the deliberation around how to act on this law, this important judgement will help to regulate labour brokers going forward, provided that the law is properly enforced. At this stage, cases won on behalf of the

outsourced workers are judgements authorised by the CCMA and still should be carried out by the companies who have often refused to implement the decisions. The effect of the amendments of this law is limited due to litigation by employers and challenges of the effectiveness of the CCMA. In business and labour practice today, outsourced workers remain unprotected and vulnerable and is likely to continue for as long as the business community continues to value the services of employment brokers.

This reality reaffirms the need for the proper enforcement of regulation, supported by normative reflection and action regarding limiting the practice of outsourcing. In addition to this, I am planning to co-author a journal article based on this research in an education journal with two other academic colleagues because I believe that this work needs to be shared because of its politically and socially significance to South Africa.

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Appendices

Appendix A: Participant Information Leaflet and Consent Form

PARTICIPANT INFORMATION LEAFLET AND CONSENT FORM

TITLE OF THE RESEARCH PROJECT: The Ethics of Outsourced Labour

REFERENCE NUMBER:

PRINCIPAL INVESTIGATOR: Jocelyn Horwitz

ADDRESS: Wynberg

CONTACT NUMBER:

--

You are asked to take part in a study about the school in which you work and the company that employs you. You were chosen to take part because of your employment in the school. Please take some time to read the information which will explain the details. Please ask questions about anything you do not fully understand. It is very important that you clearly understand what this is about and how you could be involved. Also, taking part is **entirely voluntary** and you are free to refuse. If you say no, this will not affect you in any way whatsoever. You are also free to withdraw from the study at any point, even if you do agree to take part.

This study has been approved by the **Research Ethics Committee at Stellenbosch University** and will be conducted according to the ethical guidelines and principles of the University.

What is this research study all about?

The purpose of this study is to investigate the working of cleaning and security by two companies in the school. The main idea is to investigate the working conditions for workers from both outsource companies. The goal being to see if there are differences in employment between the company's employees and the school employees.

Why have you been invited to participate?

Because you are employed by an outsource company contracted to work at the school.

What will your responsibilities be?

Answer questions in an interview or write them down

Will you benefit from taking part in this research?

No benefit financially or otherwise.

Are there in risks involved in your taking part in this research?

None.

If you do not agree to take part, what alternatives do you have?

There is no duty to take part and should you feel that you do not want to participate you have no obligation to do so. There is no risk to your employment if you do not participate.

Will you be paid to take part in this study and are there any costs involved?

There is no financial reward, nor or are there any costs involved.

Declaration by participant

By signing below, I agree to take part in a research study entitled *The Ethics of Outsourced Labour*.

I declare that:

I have read or I have had this information and consent form read to me and it is written in a language with which I am fluent and comfortable.

I have had a chance to ask questions and all my questions have been answered to my satisfaction.

I understand that taking part in this study is **voluntary** and I have not been pressurised to take part.

I may choose to leave the study at any time and will not suffer any negative consequences if I do.

I may be asked to leave the study before it has finished, if the study doctor or researcher feels it is in my best interests, or if I do not follow the study plan, as agreed to.

Signed at (*place*) on (*date*) 2005.

Signature of participant Signature of witness

Declaration by investigator

I (*name*) declare that:

I explained the information in this document to

I encouraged him/her to ask questions and took adequate time to answer them.

I am satisfied that he/she adequately understands all aspects of the research, as discussed above

I did/did not use a interpreter. (*If a interpreter is used then the interpreter must sign the declaration below.*

Signed at (*place*) on (*date*) 2005.

Signature of investigator Signature of witness

Declaration by interpreter

I (*name*) declare that:

I assisted the investigator (*name*) to explain the
information in this document to (*name of participant*)
..... using the language medium of Afrikaans/Xhosa.

We encouraged him/her to ask questions and took adequate time to answer them.

I conveyed a factually correct version of what was related to me.

I am satisfied that the participant fully understands the content of this informed consent
document and has had all his/her question satisfactorily answered.

Signed at (*place*) on (*date*)

Appendix B: Data Collection: Questionnaire

DATA COLLECTION

A survey using a questionnaire to be filled in during the interview with each outsourced worker. The questions are identical for each worker. Included below is the questionnaire.

- 1) Are you employed by the outsourced company to work for the school?

- 2) Do you understand your conditions of employment?

- 3) Do you feel satisfied in the work you do?

- 4) Are you happy at the school?

- 5) Would you rather choose to be employed by the school and why?

- 6) Describe an incident that made you feel undervalued and why you are unhappy.

7) Discuss your concerns in your work.

8) Are there changes that you would like to see that would make you feel more valued and happy in your job?

9) What are your future career prospects?

Jos Horwitz
Principal

Appendix C: Interview Schedule

Interview Schedule

<u>School Campus</u>	<u>Consent granted by</u>	<u>Interview Area</u>	<u>Interview time in minutes</u>	<u>Who was interviewed</u>	<u>Their concerns</u>
School A	Principal A	Office	25-30	1. Cleaning Staff 2. Ground Staff 3. Security Staff 4. Teacher Assistants	1. Confidentially, afraid of speaking freely incase of losing their position 2. Salary 3. Hours
School B	Principal B	Gym area	25-30	1. Cleaning Staff 2. Ground Staff 3. Security Staff 4. Teacher Assistants	1. Confidentially, afraid of speaking freely incase of losing their position 2. Salary 3. Hours
School C	Principal C	Security office	25-30	1. Cleaning Staff 2. Ground Staff 3. Security Staff 4. Teacher Assistants	1. Confidentially, afraid of speaking freely incase of losing their position 2. Salary 3. Hours
School D	Principal D	Office	25-30	1. Cleaning Staff 2. Ground Staff 3. Security Staff 4. Teacher Assistants	1. Confidentially, afraid of speaking freely incase of losing their position 2. Salary 3. Hours
School E	Principal E	Office	25-30	1. Cleaning Staff 2. Ground Staff 3. Security Staff 4. Teacher Assistants	1. Confidentially, afraid of speaking freely incase of losing their position 2. Salary 3. Hours
School F	Principal F	Office	25-30	1. Cleaning Staff 2. Ground Staff 3. Security Staff 4. Teacher Assistants	1. Confidentially, afraid of speaking freely incase of losing their position 2. Salary 3. Hours
School G	Principal G	Security Office	25-30	1. Cleaning Staff 2. Ground Staff 3. Security Staff 4. Teacher Assistants	1. Confidentially, afraid of speaking freely incase of losing their position 2. Salary 3. Hours

Appendix D: Thematic Map

